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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q94683

Hiroshi KUBO, et al.

Appln. No.: 10/580,403

Group Art Unit: Unknown

Confirmation No.: 2089

Examiner: Unknown

Filed: May 24, 2006

For: COMPOSITION HAVING LIVER FUNCTION PROTECTING EFFECT

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, except for the following: U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications filed after June 30, 2003.

The present Information Disclosure Statement is being filed no later than three months from the application's filing date, and therefore no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

Documents 1 - 8 noted below were previously cited in the Information Disclosure Statement filed May 24, 2006, as documents that were cited in International Search Report; copies and English language Abstracts thereof have been obtained and are provided herewith.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant submits the following explanations:

1. The indication in the International Search Report of the degree of relevance found by the foreign patent office and the submission of an English language abstract for JP 2003-026625 each constitutes a concise statement of relevance of JP 2003-026625. Furthermore, EP 1386095 corresponds to JP 2003-026625.

2. The indication in the International Search Report of the degree of relevance found by the foreign patent office, the submission of an English language abstract, and a computer translation for JP 2003-119127 each constitutes a concise statement of relevance of JP 2003-119127.

3. The indication in the International Search Report of the degree of relevance found by the foreign patent office, and the submission of an English language abstract of TATSUYA AMIMOTO, "*ACETAMINOPHEN NI YORU MOUSE KANSHOGAI KIKO TO SHIYOSEI KOSANKAZAI NI YORU HOGO KIKO*", HIROSHIMA DAIGAKU IGAKU ZASSHI, 1993, VOL. 41, NO. 6, PAGES 417 TO 427, PAGE 421 (AMIMOTO) each constitutes a concise statement of relevance of AMIMOTO.

4. The indication in the International Search Report of the degree of relevance found by the foreign patent office, the submission of an English language abstract, and a computer translation for JP 2003-104945 each constitutes a concise statement of relevance of JP 2003-104945.

5. The disclosure on page 3 of the present specification, the indication in the International Search Report of the degree of relevance found by the foreign patent office, and the present submission of an English language abstract for JP Hei-10-109933 each constitutes a concise statement of relevance of JP Hei-10-109933. Furthermore, U.S. Patent 6,184,255 claims priority of JP Hei-10-109933.

6. The indication in the International Search Report of the degree of relevance found by the foreign patent office, the submission of an English language abstract, and a computer translation for JP Hei-09-187229 each constitutes a concise statement of relevance of JP Hei-09-187229.

7. The disclosure on page 3 of the present specification, the indication in the International Search Report of the degree of relevance found by the foreign patent office, and the present submission of an English language abstract for JP 2003-306429 each constitutes a concise statement of relevance of JP 2003-306429.

8. The indication in the International Search Report of the degree of relevance found by the foreign patent office, and the submission of an English language abstract of H. MARUYAMA et al, "ENDOTOXIN SHOCK-JI NO KANSAIBO SHOGAI NI TAISURU COENZYME Q10 NO YUYOSEI NI TSUITE TOKUNI ENDOTOXIN KASSEIKA TAKAKU

INFORMATION DISCLOSURE STATEMENT
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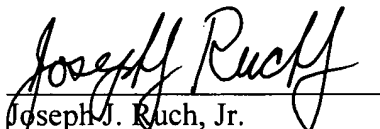
HAKKEKKYU O CHUSHIN NI", Nihon Ika Daigaku Zasshi, 1995 Nen, Vol. 62, No. 3, pages 271 - 282, Figs. 2, 3 (MARUYAMA) each constitutes a concise statement of relevance of MARUYAMA.

9. The disclosure on page 2 of the present specification and the present submission of an English language abstract for JP Hei-11-199477 each constitutes a concise statement of relevance of JP Hei-11-199477.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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23373

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Date: August 15, 2006

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

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of

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Complete if Known

| | |
|------------------------|--------------|
| Application Number | 10/580,403 |
| Confirmation Number | 2089 |
| Filing Date | May 24, 2006 |
| First Named Inventor | Hiroshi KUBO |
| Art Unit | Unknown |
| Examiner Name | Unknown |
| Attorney Docket Number | Q94683 |

U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number | | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document |
|-----------------------|--------------------------|-----------------|--------------------------------------|--------------------------------|---|
| | | Number | Kind Code ² (if known) | | |
| | | US 6,184,255 | | 02-06-2001 | Mae et al |
| | | US | | | |
| | | US | | | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | | | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Translation ⁶ |
|-----------------------|--------------------------|------------------------------|---------------------|--------------------------------------|--------------------------------|--|---|
| | | Country Code ³ | Number ⁴ | Kind Code ⁵ (if known) | | | |
| | | JP | 2003-26625 | A | 01-29-2003 | KANEKA CORP. | ISR, Abstract and corresponds to EP 1386095 |
| | | EP | 1386095 | | | | |
| | | JP | 2003-119127 | A | 04-23-2003 | KANEKA CORP. | ISR, Abstract and computer translation |
| | | JP | 2003-104945 | A | 04-09-2003 | JIRO TAKADA, KAZUHIRO IMAI | ISR, Abstract and computer translation |

NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published. | Translation ⁶ |
|-----------------------|--------------------------|--|--------------------------|
| | | VALLERIAN E.K., ELENA A. ET AL., "ANTIOXIDANT ACTION OF UBIQUINOL HOMOLOGUES WITH DIFFERENT ISOPRENOID CHAIN LENGTH IN BIOMEMBRANES", FREE RADICAL BIOLOGY & MEDICINE, 1990, VOL. 9, PAGES 117 TO 126, PAGE 119, FIG. 1C; PAGE 121, FIG. 4 | |
| | | TAKAHASHI T., SUGIMOTO N., TAKAHATA K. ET AL., "CELLULAR ANTIOXIDANT DEFENSE BY A UBIQUINOL-REGENERATING SYSTEM COUPLED WITH CYTOLIC NADPH-DEPENDENT UBIQUINONE REDUCTASE: PROTECTIVE EFFECT AGAINST CARBON TETRACHLORIDE-INDUCED HEPATOTOXICITY IN THE RAT", BIOL. PHARM. BULL., 1996, VOL. 19, NO. 8, PAGES 1005 TO 1012, PAGE 1010, LOWER LEFT COLUMN | |
| | | TATSUYA AMIMOTO, "ACETAMINOPHEN NI YORU MOUSE KANSHOGAI KIKO TO SHIYOSEI KOSANKAZAI NI YORU HOGO KIKO", HIROSHIMA DAIGAKU ZASSHI, 1993 NEN, VOL. 41, NO. 6, PAGES 417 TO 427, PAGE 421, LEFT COLUMN, LINE 4 TO PAGE 422, RIGHT COLUMN, LINE 6; PAGE 422, TABLES 1, 2 | ISR and Abstract |

Examiner Signature

Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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| Substitute for Form 1449 A & B/PTO <u>INFORMATION DISCLOSURE</u> <u>STATEMENT BY APPLICANT</u> <i>(use as many sheets as necessary)</i> | | | | <i>Complete if Known</i> | |
| | | | | Application Number | 10/580,403 |
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| | | | | First Named Inventor | Hiroshi KUBO |
| | | | | Art Unit | Unknown |
| Examiner Name | Unknown | | | | |
| Attorney Docket Number | Q94683 | | | | |
| Sheet | 2 | of | 2 | | |

| U.S. PATENT DOCUMENTS | | | | | |
|-----------------------|-----------------------|-----------------|--------------------------------------|--------------------------------|---|
| Examiner Initials* | Cite No. ¹ | Document Number | | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document |
| | | Number | Kind Code ² (if known) | | |
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| FOREIGN PATENT DOCUMENTS | | | | | | | |
|--------------------------|-----------------------|---------------------------|---------------------|--------------------------------------|--------------------------------|---|---|
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | | | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Translation ⁶ |
| | | Country Code ³ | Number ⁴ | Kind Code ⁵ (if known) | | | |
| | | JP | 10-109933 | A | 04-28-1998 | KANEKA CORP. | Spec., ISR, Abstract, and USP '255 claims priority of JP 109933 |
| | | JP | 9-187229 | A | 07-22-1997 | IDEMITSU MATERIALS CO., LTD. | ISR, Abstract and computer translation |
| | | JP | 2003-306429 | A | 10-28-2003 | NISSHIN FARUMA KABUSHIKI KAISHA | Spec. and Abstract |
| | | WO | 2000/057871 | A2 | 10-05-2000 | PURDUE RESEARCH FOUNDATION | |
| | | JP | 11-199477 | | 07-27-1999 | PHARMA NORD UK LTD | Spec and Abstract |
| | | | | | | | |

| NON PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|-----------------------|---|--------------------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published. | Translation ⁶ |
| | | T. MATSURA, K. YAMADA, T. KAWASAKI, "PROTECTIVE EFFECTS OF COENZYME Q10 AND A-TOCOPHEROL AGAINST FREE RADICAL-MEDIATED LIVER CELL INJURY, REDOX REPORT, 1995, VOL. 1, NO. 5, PAGES 343 TO 347, PAGE 345, RIGHT COLUMN, LINES 10 TO 18 | |
| | | ABDULLAH M.A.B., "KHURDHID A. ET AL., "COENZYME Q10 AMELIORATES THE HEPATIC TOXICITY INDUCED BY CARBON TETRACHLORIDE IN MICE", RESEARCH COMMUNICATIONS IN PHARMACOLOGY AND TOXICOLOGY, 1999, VOL. 4, NO. 3, 4, PAGES 163 TO 170, TABLE 1, FIGS. 1, 2 | |
| | | HIROSHI MARUYAMA, KIYONORI KIKKAWA, MASAHICO ONDA, "ENDOTOXIN SHOCK-ji NO KANSAIBO SHOGAI NI TAISURU COENZYME Q10 NO YUYOSEI NI TSUITE TOKUNI ENDOTOXIN KASSEIKA TAKAKU HAKKEKKYU O CHUSHIN NI", NIHON IKA DAIGAKU ZASSHI, 1995 NEN, VOL. 62, NO. 3, PAGES 271 TO 282, FIGS. 2, 3 | ISR and Abstract |

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